



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of ~~TRADEMARK OFF.~~ MICHAEL E. WOOLFORD

Docket No.: 3616.69-US-01

Filed: October 6, 1992

Examiner:

Serial No.:

07/957,598

Due Date:

May 6, 1993

Group Art Unit:

For: COMPOSITE MASONRY BLOCK

The Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- A certified copy of a application, Serial No. , filed , 199 , the right of priority of which is claimed under 35 U.S.C. ~~119~~.
- Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by verified statement previously submitted.
- A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27.
- A signed Combined Declaration and Power of Attorney.
- A Request for Extension of Time for months and fee of \$.
- A check in the amount of \$, for .

A return postcard.

Other: INFORMATION DISCLOSURE STATEMENT; PTO FORM 1449 AND ONE COPY OF EACH REFERENCE.

Amendment No Additional fee is required The fee has been calculated as shown:

CLAIMS AS AMENDED

	(1) CLAIMS REMAINING AFTER AMENDMENT	# # # # #	(2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(3) PRESENT EXTRA	SMALL ENTITY		OTHER		
					RATE	ADD'L FEE	or	RATE	ADD'L FEE
TOTAL CLAIMS	-		20 =		x 11 =	\$	or	x 22 =	\$
INDEPENDENT CLAIMS	-		3 =		x 37 =	\$	or	x 74 =	\$
() FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					+115 =	\$	or	+ 230 =	\$
					TOTAL	\$			\$

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate copy of this sheet is enclosed.

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this 11th day of May, 1993.

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(GENERAL)

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael E. Woolford

Examiner:

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DATE OF DEPOSIT:

I hereby certify that this correspondence is
being deposited with the United States Postal
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John J. Gresens

Printed Name

Signature

INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Dear Sir:

In accordance with Applicants' duty of disclosure under the provisions of 37 C.F.R. § 1.56, the following references are brought to the attention of the Examiner. It is also brought to the attention of the Examiner the co-pending U.S. Patent Applications, all assigned to the same Assignee as the present invention: S/N 07/651,322, filed on February 6, 1991 by Woolford et al., attorney's docket number M&G 3616.20-US-02, which is a divisional of S/N 07/534,831, filed on June 7, 1990 by Woolford et al., attorney's docket number M&G 3616.20-US-01 (now issued as

U.S.Pat.No. 5,062,610); S/N 07/828,031, filed on January 30, 1992
by Woolford, attorney's docket number M&G 3616.26-US-01.

Applicants bring the following references to the attention of the Examiner. Copies of these references and form 1449 are enclosed. No representation is made that any of the below references are "prior art" within the meaning of 35 U.S.C. § 102 or § 103. Moreover, any explanations that follow below are not to be taken as a representation that the references have been thoroughly reviewed. In particular, no representation as to the relative relevance of any portion of a reference is intended.

U.S. PATENT DOCUMENTS

<u>U.S. Patent No.</u>	<u>Issued</u>	<u>Inventor</u>
Des. 237,704	11/18/75	Lane
Des. 279,030	05/28/85	Risi et al.
Des. 280,024	08/06/85	Risi et al.
Des. 284,109	06/03/86	Seal, Jr.
Des. 295,788	05/17/88	Forsberg
Des. 295,790	05/17/88	Forsberg
Des. 296,007	05/31/88	Forsberg
Des. 296,365	06/21/88	Forsberg
Des. 297,464	08/30/88	Forsberg
Des. 297,574	09/06/88	Forsberg
Des. 297,767	09/20/88	Forsberg
Des. 298,463	11/08/88	Forsberg
Des. 299,067	12/20/88	Forsberg
Des. 299,069	12/20/88	Risi et al
Des. 300,253	03/14/89	Forsberg
Des. 300,254	03/14/89	Forsberg
Des. 301,064	05/09/89	Forsberg
Des. 311,444	10/16/90	Forsberg
Des. 316,904	05/14/91	Forsberg
Des. 317,048	05/21/91	Forsberg
Des. 317,209	05/28/91	Forsberg
126,547	05/07/1872	Hickcox
228,052	05/25/1880	Frost
468,838	02/16/1892	Steiger
566,924	09/01/1896	Morrin
810,748	01/23/06	Haller et al
831,077	09/18/06	Johnson
847,476	03/19/07	Hodges

<u>U.S. Patent No.</u>	<u>Issued</u>	<u>Inventor</u>
884,354	04/14/08	Bertrand
916,756	03/30/09	Mosstman et al
1,002,161	08/29/11	Lambert
1,092,621	04/07/14	Worner
1,219,127	03/13/17	Marshall
1,222,061	04/10/17	Bartells
1,248,070	11/27/17	Buente
1,285,458	11/19/18	Strunk
1,287,055	12/10/18	Lehman
1,330,884	02/17/20	McDermott
1,414,444	05/02/22	Straight
1,419,805	06/13/22	Bigler
1,456,498	05/29/23	Binns
1,465,608	08/21/23	McCoy
1,557,946	10/20/25	Smith
1,695,997	12/18/28	Evers et al
1,727,363	09/10/29	Bone
1,733,790	10/29/29	Gilman
1,773,579	08/19/30	Flath
1,907,053	05/02/33	Flath
2,011,531	08/13/35	Tranchell
2,034,851	03/24/36	Wichmann
2,094,167	09/28/37	Evers
2,113,076	04/05/38	Bruce
2,121,450	06/21/38	Sentrop
2,197,960	04/23/40	Alexander
2,219,606	10/29/40	Schoick
2,235,646	03/18/41	Schaffer
2,313,363	03/09/43	Schmitt
2,371,201	03/13/45	Wells
2,570,384	10/09/51	Russell
2,882,689	04/21/59	Huch et al
2,963,828	12/13/60	Belliveau
3,036,407	05/29/62	Dixon
3,204,316	09/07/65	Jackson
3,274,742	09/27/66	Paul, Jr., et al
3,378,885	04/23/68	Dart
3,390,502	07/02/68	Carroll
3,430,404	03/04/69	Muse
3,488,964	01/13/70	Kubo
3,557,505	01/26/71	Kaul
3,631,682	01/04/72	Hilfiker et al
3,754,499	08/28/73	Heisman et al
3,783,566	01/08/74	Nielson
3,925,994	12/16/75	Broms et al
3,932,098	01/13/76	Huber et al
3,936,987	02/10/76	Calvin
3,936,989	02/10/76	Hancock
3,953,979	05/04/76	Kurose

<u>U.S. Patent No.</u>	<u>Issued</u>	<u>Inventor</u>
3,995,434	12/07/76	Kato et al
4,001,988	01/11/77	Riefler
4,016,693	04/12/77	Warren
4,023,767	05/17/77	Fontana
4,067,166	01/10/78	Sheahan
4,098,040	07/04/78	Riefler
4,107,894	08/22/78	Mullins
4,110,949	09/05/78	Cambiuzzi et al
4,124,961	11/14/78	Habegger
4,126,979	11/28/78	Hancock
4,132,492	01/02/79	Jenkins
4,175,888	11/27/79	Ijima
4,186,540	02/05/80	Mullins
4,187,069	02/05/80	Mullins
4,190,384	02/26/80	Neumann
4,193,718	03/18/80	Wahrendorf et al
4,207,718	06/17/80	Schaaf et al
4,208,850	06/24/80	Collier
4,214,655	07/29/80	Bernham et al
4,218,206	08/19/80	Mullins
4,228,628	10/21/80	Schlomann
4,229,123	10/21/80	Heinzmann
4,262,463	04/21/81	Hapel
4,288,960	09/15/81	Auras
4,312,606	01/26/82	Sarikelle
4,314,431	02/09/82	Rabassa
4,335,549	06/22/82	Dean, Jr.
4,337,605	07/06/82	Tudek
4,380,409	04/19/83	O'Neill
4,384,810	05/24/83	Neumann
4,426,815	01/24/84	Brown
4,454,699	06/19/84	Strobl
4,470,728	09/11/84	Broadbent
4,490,075	12/25/85	Risi et al
4,496,266	01/29/85	Ruckstuhl
4,512,685	04/23/85	Hegle
4,524,551	06/25/85	Scheiwiller
4,572,699	02/25/86	Rinninger
4,640,071	02/03/87	Haener
4,651,485	03/24/87	Osborne
4,658,541	04/21/87	Haile
4,660,342	04/28/87	Salisbury
4,671,706	06/09/87	Giardini
4,711,606	12/08/87	Leling et al
4,726,567	02/23/88	Greenberg
4,784,821	11/15/88	Leopold
4,802,320	02/07/89	Forsberg
4,802,836	02/07/89	Whissell
4,815,897	03/28/89	Risi et al
4,825,619	05/02/89	Forsberg

<u>U.S. Patent No.</u>	<u>Issued</u>	<u>Inventor</u>
4,860,505	08/29/89	Bender
4,896,999	01/30/90	Ruckstuhl
4,909,010	03/20/90	Gravier
4,909,717	03/20/90	Pardo
4,914,876	04/10/90	Forsberg
5,017,049	05/21/91	Sievert
5,031,376	07/16/91	Bender et al.
5,062,610	11/05/91	Woolford et al.
5,158,132	10/27/92	Guillemot

FOREIGN PATENT DOCUMENTS

<u>Patent No.</u>	<u>Issued</u>	<u>Country</u>
22397/85	06/20/85	Australia
52765/86	08/21/86	Australia
80775/87	04/07/88	Australia
Des. 47,747	01/05/81	Canada
Des. 50,020		Canada
Des. 51,160	04/11/83	Canada
Des. 51,313	05/09/83	Canada
Des. 51,794	09/12/83	Canada
Des. 62,875	04/06/89	Canada
Des. 63,365	05/30/89	Canada
Des. 63,366	05/30/89	Canada
Des. 65,896	04/17/90	Canada
Des. 66,760	08/28/90	Canada
Des. 67,904	01/30/91	Canada
338,139	12/26/33	Canada
531,354	10/9/58	Canada
941,626	02/12/74	Canada
1,040,452	10/17/78	Canada
1,065,154	10/30/79	Canada
1,182,295	02/12/85	Canada
1,188,116	06/04/85	Canada
1,194,703	10/08/85	Canada
1,197,391	12/03/85	Canada
1,204,296	05/13/86	Canada
0 039 372	11/11/81	EPO
0 130 921	01/09/85	EPO
0 170 113	07/08/85	EPO
0 215 991	09/13/85	EPO
0 322 668	12/15/88	EPO
0 362 110	04/04/90	EPO
392.474	11/27/08	France
1.360.872	04/05/63	France
2.228.900	05/08/74	France
2 243 304	09/09/74	France
2 343 871	05/05/76	France
2 422 780	12/01/78	France

<u>Patent No.</u>	<u>Issued</u>	<u>Country</u>
2 463 237	08/09/79	France
2 465 032	09/07/79	France
18 11 932	06/01/78	Germany
22 59 654	06/12/74	Germany
27 19 107	11/16/78	Germany
27 55 833	07/20/78	Germany
34 01 629	07/26/84	Germany
336	02/01/1871	Great Britain
536,434		Great Britain
537,153	06/11/41	Great Britain
1 385 207	01/10/75	Great Britain
1 386 088	03/05/75	Great Britain
1 477 139	06/22/77	Great Britain
2 091 775	08/04/82	Great Britain
2 127 872	04/18/84	Great Britain
2 213 095	08/09/89	Great Britain
456776	04/21/50	Italy
459942	10/11/50	Italy
678,160		Soviet Union
205452	09/16/39	Switzerland
CH 657 172	08/15/86	Switzerland
CH 669 001	02/15/89	Switzerland

OTHER PUBLICATIONS

Retaining Wall Block Pictures (date unknown)

Columbia Machine Mold Descriptions (date unknown)

Kawano Cement Brochure (date unknown)

Diamond Block Test Report to University of Wisconsin, Platteville (1990)

Versa Lock Product Literature (date unknown)

Johnson Block Product Literature (date unknown)

Orco Block Co. Split Face Block Product Literature (date unknown)

Handy-Stone Retaining Wall System Product Literature (date unknown)

Aztech Wall System Installation Guide, Block Systems, Inc. (1989)

EZ Wall Systems Product Literature, Rockwood Retaining Wall Systems, Inc. (date unknown)

Windsor Stone Product Literature, Block Systems, Inc. (1991)

Diamond Wall Systems: The Cutting Edge, Anchor Block Co.
(date unknown)

Various Diamond Wall System 4 and 4.4 Concrete Masonry Units
Tech Spec's, Anchor Block (1988, 1989)

Modular Concrete Block, the Besser Co. (date unknown)

Paving Stone: New Look With Old World Charm, the Besser Co.
(date unknown)

Keystone International Compac Unit Product Literature (1992)

Keystone Retaining Wall Systems Product Literature (1992)

Garden Wall Product Literature (1991)

CONCISE EXPLANATION OF NON-ENGLISH LANGUAGE DOCUMENTS

European Patent Application No. 170 113; French Patent No.
2,243,304; and German Patent No. 3,401,629 each have translations
attached thereto.

European Patent Application Nos. 39,372 (e.g. block 3 Fig.
1), 215 991 (e.g. block 14 Fig. 3), 362,110 (e.g. block 1 Fig.
1); French Patent Nos. 2,228,900 (e.g. block 4 Fig. 5), 2,343,871
(e.g. block 1 Fig. 1), 2,422,780 (e.g. block 1 Fig. 1), 2,463,237
(e.g. block 18 Fig. 5), 2,465,032 (e.g. Figs. 3-4); German Patent
No. 1,811,932 (e.g. block 1 Fig. 1); Italian Patent No. 459,942;
and Swiss Patent Nos. 657,172 (e.g. block 1 Fig. 1) and 669,001
(e.g. block 1 Fig. 1) generally disclose stackable blocks or
structural elements which have grooves and/or protrusions on
their top and bottom surfaces so that their surfaces mesh upon
stacking.

European Patent Application No. 130,921, German Patent No. 2,719,107, and U.S.S.R. Patent No. 678,160 all contain English language abstracts, and generally disclose ribbed or grooved surfaces on blocks.

European Patent Application No. 322 668 discloses stackable blocks that are secured by long rods (e.g. block 2 Fig. 2).

Applicant only has a drawing page for French Patent No. 392,474, which appears to disclose stackable blocks (e.g. Figs. 7-12). Applicant also only has a drawing page for Great Britain Patent 336, which discloses various block shapes. Further, Applicant has only drawing pages for what Applicant believes to be Canadian Industrial Design Nos. 47747, 50020, 51794, 63365, 65896, and 67904.

French Patent No. 1,360,872 discloses a stackable block utilizing a pin retaining system (e.g. block 1 Fig. 1).

German Patent No. 2,259,654 discloses blocks for use in an ornamental lattice wall structure (e.g. blocks 1-5).

German Patent No. 2,755,833 discloses blocks having v-shaped grooves disposed upon their top & bottom surfaces (e.g. block 2 Fig. 1).

Italian Patent No. 456,776 discloses molded tiles having mating side surfaces (e.g. Fig. 1), and a mold for manufacturing them (e.g. mold 14 Fig. 5).

Swiss Patent No. 2,054,452 discloses blocks having a pin-type retaining system (e.g. block 21 Fig. 1).

Kawano Cement Brochure discloses various designs for stackable mating blocks (e.g. block on title page).

CONCLUSION

Consideration of the listed documents and the remarks presented herein in the above-identified application is respectfully requested.

Respectfully submitted,

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Date: 5/11/93


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